

REMARKS

Claim 9 is canceled and claims 1-6 are amended herein. Upon entry of the Preliminary Amendment, claims 1-6 and 16-20 will be all the claims pending in the application. The following remarks are submitted for the Examiner's consideration.

The presently claimed invention cannot be achieved based upon the combination of references cited by the Examiner. Sano '919 only describes a zinc salt of ascorbic acid-2-phosphate (APZ) as one of the salts of ascorbic acid-2-phosphate (AP) and only states that the salt can be used for cosmetics and medicines. Sano '919 does not teach that the salt can be used to prevent or treat acne by external application to the skin. Fahim '296 and Schinitzky '969 only state that a combination of ascorbic acid and zinc salt, which is not AP or APZ, is effective on acne or skin diseases. These references do not remedy the deficiencies of Sano.

The characteristic feature of the present invention is that APZ is effective as a dermal agent for acne. This effect is not at all anticipated from general salts of AP. Moreover, as verified in the Declaration filed on November 30, 2001, skin irritation due to zinc can be reduced by the combination of AP and zinc, as with APZ of the present invention, and this effect is not described in any of the cited references.

With respect to the Examiner's objections to the Declaration, Applicants respectfully submit that the concentration of the test stock solutions in Table 1 and Concentration for 50% Survival of the cultured cells after the test stock solutions were added is the factual data presented. The determination of irritation is based upon the 50% Survival Concentration of the cultured skin cells in that the lower numbers indicate less skin irritation. Therefore, Applicants

Preliminary Amendment
U.S. Application No. 09/492,763

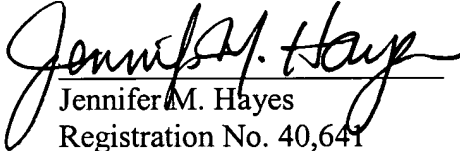
submit that the Declaration contains sufficient factual support for the unexpectedly superior results obtained by the presently claimed invention.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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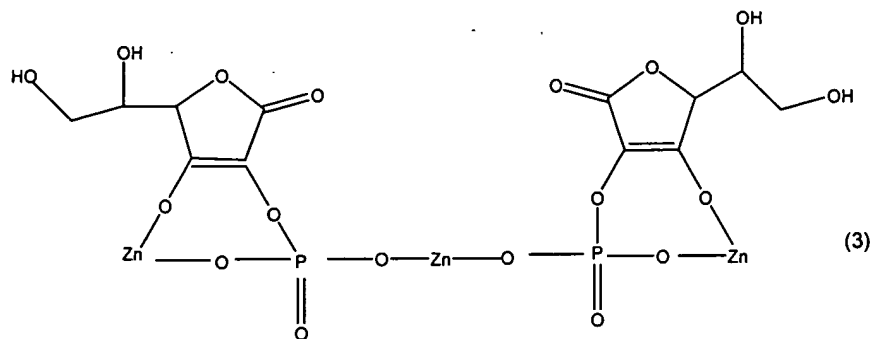
APPENDIX
VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

Claim 9 is canceled.

1. (Twice Amended) A dermal agent ~~according to claim 9,~~for preventing or treating
acne comprising a therapeutically ~~wherein said dermal agent is effective~~ amount of a compound
which liberates ascorbic acid in vivo and which reduces skin irritation, represented by the
following formula (3):~~in the treatment or prevention of acne~~



2. (Twice Amended) A dermal agent according to claim 91, said dermal agent having activity as an antibacterial.

3. (Twice Amended) A dermal agent according to claim 92, said dermal agent having an inhibitory effect on growth of *Propionibacterium*.

4. (Twice Amended) A dermal agent according to claim 92, said dermal agent having an inhibitory effect on *Staphylococcus*.

Preliminary Amendment
U.S. Application No. 09/492,763

5. (Twice Amended) A dermal agent according to claim 91, said dermal agent having inhibitory activity against lipase derived from microorganisms.

6. (Twice Amended) A dermal agent according to claim 91, said dermal agent having inhibitory activity against hyaluronidase derived from microorganisms.